REMARKS

By this amendment, claims 1, 2 and 14 have been amended.

Claims 1-14 are currently pending in the application. Reconsideration and allowance of all of the claims is respectfully requested in view of the foregoing amendments and the following remarks.

In regard to Rejection of Claims 1, 2 and 14 Under 35 USC § 112

The Examiner has rejected claims 1, 2 and 14 under 35 U.S.C. § 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner considers that the terms "resilient" and "low" in claims 1, 2 and 14 do not allow a person skilled in the art to be reasonably apprised of the scope of the invention.

Regarding the term "resilient", the Applicants believe that this term is sufficiently definite and would be understood by a person skilled in the art. In particular, this term would be understood to have its ordinary dictionary meaning. The term "resilience" is defined in Merriam Webster's Collegiate Dictionary, 11th Edition, as follows: "the capability of a strained body to recover its size and shape after deformation caused esp. by compressive stress". Applicant respectfully believes the term *"resilient"* recites a property of the heat sink material that would be understood to ensure proper contact between the collecting terminal and the thermal conductive structural housing. As such, the Applicants respectfully submit that the term "*resilient*" in the context of the present invention is not indefinite and request reconsideration of this rejection.

In response to the Examiner's remarks, claims 2 and 14 have been amended to remove the term "low friction". This amendment is believed to overcome the Examiner's rejection.

Claims 1, 2 and 14 as amended are believed to be in full compliance with 35 U.S.C. § 112, and the Examiner is respectfully requested to withdraw his rejection.

In regard to Rejection of Claims 1-3 and 11 Under 35 USC § 102(e) over Shimamura

The Examiner has rejected claims 1-3 and 11 under 35 U.S.C. § 102(e), as being anticipated by Shimamura et al., United States Patent No. 7,008,720. The Applicants disagree.

The Examiner attention is drawn to the following feature of claim 1 as amended:

> "…said resilient heat sink material being moveably positioned adjacent an inner surface of at least one of said walls and in thermal contact with the inner surface of said walls,…"

The Applicants submit that at least the above feature of claim 1 as amended is not taught by Shimamura.

Referring to lines 62-66 of column 7 of Shimamura, Shimamura teaches a battery having an hermetically sealed sheath 3 enclosing a series of positive electrodes plates 4, separators 7 and negative electrode plates 6. Referring now to lines 3-9 of column 3 of Shimamura, the positive electrode terminal lead 8 and negative electrode terminal lead 9 of Shimamura are held between the thermally welded portions to be exposed to the outside of the outer sheath. Referring now to lines 38-47 of column 11 of Shimamura,

> "…[E]ven when the temperature of the electrode terminal lead 9 and the internal pressure of the battery increase, it is possible to prevent separation and gap from occurring between the polymer material 3c, forming the battery innermost layer of the outer sheath 3, and the surface covering layer 9b at the thermally welded portion 2. As a consequence, it is possible to remarkably improve the sealing property at the area of the electrode terminal lead 9 in contact with the thermally welded portion 2 of the outer sheath 3."

It is apparent that Shimamura does not teach that the terminal lead 9 is moveable with respect to the outer sheath 3. Shimamura teaches high adhesiveness between the terminal lead 9 and sheath 3 to prevent separation and gap from occurring there between. Shimamura further teaches that the terminal lead 9 and the sheath 3 are joined by a thermal welding portion 2. Welding is known in the art not to permit relative movement. As such, the

thermally welded portion 2 of Shimamura that joins the terminal lead 9 and the sheath 3 cannot be interpreted as a low friction film as the Examiner has asserted.

Therefore, at least one feature of claim 1 as amended is not taught by Shimamura, and the Examiner is requested to withdraw his rejection of claim 1 and claims 2, 3 and 11 depending therefrom.

In regard to Rejection of Claims 1-3 and 11 Under 35 USC § 102(e) over Ishida

The Examiner has also rejected claims 1-3 and 11 under 35 U.S.C. § 102(e), as being anticipated by Ishida et al., United States Patent Application Publication No. 2003/0134190.

The Examiner's attention is directed to the following feature of claim 1 as amended:

> "…said resilient heat sink material being moveably positioned adjacent an inner surface of at least one of said walls and in thermal contact with the inner surface of said walls,…"

Referring to paragraph 7 of the Examiner's rejection, the Examiner asserts that "[t]he material used for the terminal leads, such as copper and aluminum, are considered as electrically resistive and thermally conductive." The Applicants submit that a person skilled in the art would understand metals such as copper and aluminum to be electrically conductive since they are commonly used as conductor in electrical wires, and not electrically resistive. Therefore, components taught by Ishida to be made of copper and aluminum cannot be interpreted to teach a "resilient heat sink material being electrically resistive and thermally conductive" or any properties thereof.

In addition, Ishida makes no mention of the terminal leads 109 being movable with respect to the outer jacket 102 of Ishida or with respect to any other component.

Therefore, at least one feature of claim 1 as amended is not taught by Ishida, and the Examiner is requested to withdraw his rejection of claim 1 and claims 2, 3 and 11 depending therefrom.

In regard to Rejections of Claims 4-6 Under 35 USC § 103(a)

The Examiner has rejected claims 4-6 under 35 U.S.C. § 103(a), as being unpatentable over Shimamura.

The Examiner's attention is directed to the following feature of claim 1 as amended:

> "…said resilient heat sink material being moveably positioned adjacent an inner surface of at least one of said walls and in thermal contact with the inner surface of said walls,…"

As discussed above with respect to the rejection of claims 1-3 and 11 over Shimamura, the above feature of claim 1 as amended is not taught by Shimamura.

This deficiency in Shimamura is not remedied by the Examiner's assertion that "the claimed configuration is a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed electrochemical generator is significant", without admitting the correctness of the Examiner's assertion and reserving the right to argue thereagainst in the future.

Therefore, at least one feature of claim 1 as amended is not taught by Shimamura or the Examiner's assertion, alone or in combination, without admitting the correctness of the Examiner's assertion. As such, the Examiner is requested to withdraw his rejection of claims 4-6 depending from claim 1.

In regard to Rejections of Claims 7-10 and 14 Under 35 USC § 103(a)

The Examiner has rejected claims 7-10 and 14 under 35 U.S.C. § 103(a), as being unpatentable over Shimamura in view of Wessman, United States Patent No. 6,705,418.

The Examiner has additionally rejected claims 7-10 and 14 under 35 U.S.C. § 103(a), as being unpatentable over Ishida in view of Wessman.

The Applicants believe that both of these rejections have been addressed and overcome by the present amendments.

The Examiner's attention is directed to the following feature of claims 1 and 14 as amended:

> "…said resilient heat sink material being moveably positioned adjacent an inner surface of at least one of said walls and in thermal contact with the inner surface of said walls,…"

As discussed above with respect to the rejections of claims 1-3 and 11 over Shimamura and Ishida respectively, the above feature of claim 1 as amended is not taught by Shimamura or by Ishida.

The respective deficiencies in Shimamura and Ishida are not remedied by Wessman, without admitting that Wessman can be combined with either of Shimamura or Ishida, and reserving the right to argue thereagainst in the future.

Wessman teaches an arrangement for providing a compact battery with autonomous cooling (title). Referring to lines 8-12 of column 12 of Wessman, Wessman discloses a thermally radiative cap 443 in fluid communication with one or more of the cooling channels 442 which is filled with a cooling fluid 445 that circulates between the cap 443 and the channels 442 to cool the battery cells 412. Wessman makes no mention of a thermally conductive structural housing, and by extension does not teach a resilient heat sink material being moveably positioned adjacent an inner surface of a wall of a thermally conductive structural housing.

Therefore, at least one feature of claims 1 and 14 as amended is not taught by Shimamura and Wessman, alone or in combination, or by Ishida and Wessman, alone or in combination, without admitting that Wessman can be combined with either of Shimamura or Ishida. As such, the Examiner is requested to withdraw his rejections of claim 14 and claims 7-10 depending from claim 1.

Miscellaneous remarks

The amendment to claims 1 and 14 is believed to be supported by the specification as originally filed, in particular paragraphs [0005] and [0013] thereof.

In view of the above remarks, the Applicants respectfully submit that all of the currently pending claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in a better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

At the time of filing of the present response, the Office was authorized to charge the fees believed to be necessary to a credit card. In case of any under- or over-payment or should any additional fee be otherwise necessary, the Office is hereby authorized to credit or debit (as the case may be) Deposit Account number 502977.

Respectfully submitted,

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